

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

BRANDON CHE LEE,

Plaintiff,

v.

RICHARD IVES,

Defendant.

Case No. 3:16-cv-00786-SU
FINDINGS AND RECOMMENDATION

SULLIVAN, Magistrate Judge.

Plaintiff filed this prisoner civil rights case on May 6, 2016, but only paid the habeas corpus filing fee of \$5.00. On July 19, 2016, in *Lee v. Ives*, 3:16-00777-HZ, Judge Hernandez determined that plaintiff was a three-strikes litigant under the Prison Litigation Reform Act who did not qualify for *in forma pauperis* status. As a result, on July 21, 2016, I advised plaintiff that if he wished to proceed with this civil rights case, he must pay \$395.00 toward the satisfaction of the civil

filing fee. That payment was due on or before August 20, 2016. Because plaintiff has not paid the filing fee, the court should dismiss this action without prejudice. The court should also direct the Clerk of Court to refund plaintiff the \$5.00 habeas corpus filing fee he paid on May 12, 2016 (receipt #67295).

DATED this 19th day of September, 2016.

/s/ Patricia Sullivan
Patricia Sullivan
United States Magistrate Judge